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6 PATRICK CONNALLY  
and DISABILITY RIGHTS,  
7 ENFORCEMENT, EDUCATION,  
SERVICES: HELPING YOU  
8 HELP OTHERS

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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 PATRICK CONNALLY, an individual; and ) CASE NO. C05-2239 JCS  
13 DISABILITY RIGHTS, ENFORCEMENT, )  
EDUCATION, SERVICES:HELPING YOU) )  
14 HELP OTHERS, a California public benefit ) EX PARTE REQUEST AND [PROPOSED]  
corporation, ) ORDER CONTINUING SCHEDULING  
15 ) CONFERENCE

Plaintiffs,

v.

FRANK'S FREEZE; RONALD V. )  
CAVIGLIA, as trustee of the RONALD & )  
NANCI CAVIGLIA 2003 REVOCABLE )  
TRUST; and MYUNG SHIN KIM and HYE )  
SEO KIM, a married partnership dba )  
FRANK'S FREEZE,

Defendants.

Plaintiffs PATRICK CONNALLY and DISABILITY RIGHTS ENFORCEMENT,  
EDUCATION SERVICES hereby submit this ex parte request to continue the upcoming  
Scheduling Conference currently scheduled for July 22, 2005 for the following reasons:

1. Plaintiffs have served defendants Myung Shin Kim and Hye Seo Kim and filed  
the Return of Service on June 29, 2005;

2. To date plaintiffs have been unable to serve defendant Ronald V. Caviglia despite considerable efforts and multiple attempts to do so. Plaintiffs believe they have an accurate address for this defendant and will continue to attempt service.
  3. Plaintiffs have learned that defendants Myung Shin Kim and Hye Seo Kim do not speak English and are currently unable to participate in filing a Joint Case Management Statement. As such, the plaintiffs wish to postpone the upcoming conference so that all parties may participate.

8 For the aforementioned reasons, plaintiffs respectfully request that the scheduling  
9 conference currently on calendar for July 22, 2005 be VACATED and CONTINUED to  
10 September 30, 2005.

Dated: July 12, 2005

**THOMAS E. FRANKOVICH**  
*A PROFESSIONAL LAW CORPORATION*

By: \_\_\_\_\_ /s/  
Jessica A. Dayton  
Attorneys for Plaintiffs PATRICK CONNALLY and  
DISABILITY RIGHTS, ENFORCEMENT,  
EDUCATION SERVICES

## ORDER

The Scheduling Conference currently on calendar for July 22, 2005 is hereby VACATED and CONTINUED until September 30, 2005.

IT IS SO ORDERED.

Dated: July 12, 2005

/s/ Joseph C. Spero  
Magistrate Judge Joseph C. Spero  
UNITED STATES MAGISTRATE JUDGE